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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
RICARDO MAYORQUIN-BELTRAN,)
)
Defendant.)

2:15-MJ-240-PAL

**STIPULATION TO CONTINUE
PRELIMINARY EXAMINATION**

IT IS HEREBY STIPULATED AND AGREED by and between Defendant, RICARDO MAYORQUIN-BELTRAN, by and through his counsel, TODD M. LEVENTHAL, ESQ., and the United States of America, by its counsel, AMBER CRAIG, Assistant U.S. Attorney, that the Preliminary Examination currently set for Monday April 27, 2015 at 4:00 p.m. be re-set for at least 30 to 45 days.

This Stipulation is entered into for the following reasons

1. Mr. Leventhal was recently hired to represent Mr. Mayorquin-Beltran and will need more time to review the discovery with his client.
2. Additional time is necessary to ferret out the issues which may alleviate the time for trial.
3. Mr. Mayorquin-Beltran is currently in custody and agrees with this continuance.
4. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

1 5. Mr. Leventhal has spoken to Amber Craig, Assistant United States Attorney, and she
2 has no objection to this continuance.

3 6. The additional time requested by this Stipulation is excludable in computing the time
4 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
5 States Code, Section 3161 (h)(7)(A), when considering the factors under Title 18, United States
6 Code, Section 3161(h)(7)(b)i and 3161 (h)(7)(b)(iv). In addition, the continuance sought is not for
7 of delay and the ends of justice are in fact served by the granting of such a continuance which
8 outweigh the best interest of the public and the defendant in a speedy trial.

9
10
11 DATED this 24TH day of April, 2015.
12
13

14 -s-
15 TODD M. LEVENTHAL, ESQ.
Counsel for defendant

-s-
AMBER CRAIG
Assistant U.S. Attorneys

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**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,)	
)	2:15-MJ-240-PAL
Plaintiff,)	
)	
vs.)	
)	
RICARDO MAYORQUIN- BELTRAN,)	
)	
Defendant.)	

FINDINGS OF FACT

Based on the stipulation of counsel, and good cause appearing, the Court finds that:

1. Mr. Leventhal was recently hired to represent Mr. Mayorquin-Beltran and will need more time to review the discovery with his client.
2. Additional time is necessary to ferret out the issues which may alleviate the time for trial.
3. Mr. Mayorquin-Beltran is currently in custody and agrees with this continuance.
4. Additionally, denial of this request for a continuance could result in a miscarriage of justice.
5. Mr. Leventhal has spoken to Amber Craig, Assistant United States Attorney, and she has no objection to this continuance.
6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), when considering the factors under Title 18, United States

1 Code, Section 3161(h)(7)(b)(i) and 3161(h)(7)(b)(iv). In addition, the continuance sought is not for
2 of delay and the ends of justice are in fact served by the granting of such a continuance which
3 outweigh the best interest of the public and the defendant in a speedy trial

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5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting said continuance outweigh the best interest of the
7 public and the Defendants in a speedy trial, since the failure to grant said continuance would be
8 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
9 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
10 account the exercise of due diligence.

11
12 The continuance sought herein is excludable in computing the time within which the trial
13 herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section
14 3161(h)(7)(A) considering the factors under Title 18, United States Code, Sections
15 3161(h)(7)(B)(i) and (ii).
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18 **ORDER**

19 Accordingly, IT IS SO ORDERED that the current Preliminary Examination be
20 vacated and reset to the 11th day of June, 2015 at 4:00 p.m.

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23 Dated this 18th day of May, 2015.

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27 UNITED STATES MAGISTRATE JUDGE
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